

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.  
3114.00037

In Re Application Of: **Thongkhanh P. Lewandowski, et al.**

Serial No.  
09/869,178

Filing Date

Examiner

Group Art Unit

Invention: **LAMINANT CONTAINER WITH FITMENT**

**ASSISTANT COMMISSIONER FOR PATENTS**

Attention: Office of Petitions

Box DAC

Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☒ is enclosed. ☐ was filed on \_\_\_\_\_

The proposed reply is in the form of: Response to Notification of Missing Requirements

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on \_\_\_\_\_

3. ☐ A small entity declaration:

☐ is enclosed. ☐ was filed on \_\_\_\_\_

4. ☐ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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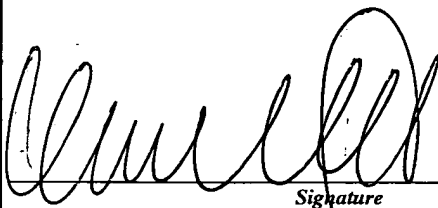
Examiner

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**Statement**

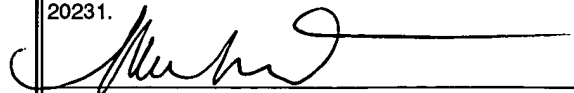
The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

  
*Signature*

**Kenneth I. Kohn  
Kohn & Associates, PLLC  
30500 Northwestern Hwy.  
Suite 410  
Farmington Hills, Michigan 48334  
(248) 539-5050**

Dated: **September 22, 2003**

I certify that this document and fee is being deposited on **September 22, 2003** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



*Signature of Person Mailing Correspondence*

**Marie M. DeWitt**

*Typed or Printed Name of Person Mailing Correspondence*

cc:

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**Calculation and Payment of Fees**

Enclosed are the following fees:

- |  |                             |
|--|-----------------------------|
| 7. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of:                   | <u>\$650.00</u>             |
| 8. <input type="checkbox"/> Fee for amendment in the amount of:  | <u>                    </u> |
| 9. <input checked="" type="checkbox"/> Fee for extension of time to reply to Office Action in the amount of: | <u>\$985.00</u>             |
| 10. <input type="checkbox"/> Issue fee in the amount of:   | <u>                    </u> |
| 11. <input type="checkbox"/> Continuing application filing fee in the amount of:                             | <u>                    </u> |
| 12. <input type="checkbox"/> Terminal disclaimer fee in the amount of:                                       | <u>                    </u> |
| 13. <input checked="" type="checkbox"/> <b>Surcharge</b>   | <u>\$65.00</u>              |

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01 FC:2453	650.00 DP
02 FC:2255	985.00 DP
03 FC:2617	65.00 DA

Total fees enclosed: **\$1,635.00**

The fee of **\$1,635** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
  - ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **11-1449**
- A duplicate copy of this sheet is enclosed.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Thongkhanh P. Lewandowski, et al.  
Serial No: 09/869,178  
Priority Date: January 26, 2000  
For: LAMINANT CONTAINER WITH FITMENT  
Attorney Docket No: 3114.00037

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:


Transmitted herewith is a copy of the Notification of Missing Requirements under 35 U.S.C. § 371 in the DO/EO/US. In response thereto, enclosed please find the following:

1. An executed Declaration and Power of Attorney for Patent Application; and
2. Our check in the amount of \$1,635.00, which represents the surcharge for filing the Declaration after the appropriate 22 or 32 months from the priority date (\$65.00), the petition fee (\$650.00) and extension for response within the fifth month (\$985.00).

Please charge our Deposit Account No. 11-1449 for any additional fees or credit our account for any overpayment.

Respectfully submitted,

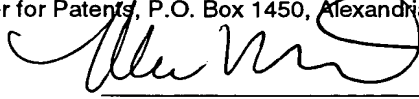
KOHN & ASSOCIATES, PLLC

  
Kenneth I. Kohn  
Registration No. 30,955  
30500 Northwestern Hwy., Suite 410  
Farmington Hills, Michigan 48334  
(248) 539-5050

Dated: September 22, 2003

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail and addressed to: the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, BOX PCT on September 22, 2003.

  
Marie M. DeWitt